

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:23-cv-00273-MR-WCM**

DAMON E. BIDDLE,)
)
Plaintiff,)
)
v.) ORDER
)
GRAIN TECHNOLOGY, INC.;)
EQUIFAX INFORMATION)
SERVICES LLC; and TRANS)
UNION, LLC,)
)
Defendants.)
)

This matter is before the Court on Defendant Equifax Information Services LLC's Motion to Stay Discovery (the "Motion to Stay," Doc. 19). While the Motion to Stay indicates that Plaintiff's counsel opposes the relief sought, for the reasons discussed below, the undersigned concludes that additional briefing is unnecessary.

On September 22, 2023, Plaintiff filed his Complaint. Doc. 1.

On November 28, 2023, Defendants Grain Technology, Inc. (“Grain Technology”) and TransUnion, LLC (“Trans Union”) filed their answers. Docs. 8, 10.

Defendant Equifax Information Services LLC (“Equifax”) obtained an extension of time to answer to and including December 20, 2023 and, on that

date, filed a Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Doc. 18. The Motion to Dismiss is currently pending.

Under the Local Rules of this District, court-enforceable discovery does not commence until issues have joined and a scheduling order has been entered, with the exception that early Rule 34 requests may be used pursuant to Fed. R. Civ. P. 26(d)(2). LCvR 16.1(f).¹ For purposes of the Local Rules, issues join when the final answer to a complaint, third-party complaint, or crossclaim or the final reply to a counterclaim has been filed, or the time for doing so has expired. LCvR 16.1(d). Where Rule 12 motions are filed and briefed, issues will not join until the Court resolves such motions. Id.

In this case, the issues have not joined—Grain Technology and Trans Union have answered but Equifax has moved to dismiss Plaintiff's claims against it—and court-enforceable discovery has not commenced.

Therefore, Defendant Equifax Information Services LLC's Motion to Stay Discovery (Doc. 19) is **DENIED AS PREMATURE**.

It is so ordered.

Signed: January 2, 2024



W. Carleton Metcalf
United States Magistrate Judge



¹ Parties may seek authorization to conduct early court-enforceable discovery, though no such request has been made in this case.